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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,177	02/12/2001	Robert Anthony Luciano JR.	GAM-01-002	2454

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EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,177

Applicant(s)

LUCIANO ET AL.

Examiner

Aaron L Enatsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant requires that a countdown indicator adjuster has stop adjustments as well as stop adjustments on a countdown indicator. The reference to said stop adjustments is unclear as to what stop adjustment is indicated.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11-14, 16-17, 21-27, 29-32, 33-34, 38-43, 45-47, and 52-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Melen et al. '030 (Hereafter, Melen). Melen teaches a primary game and a countdown game (1:30-48), a countdown indicator with a plurality of stop positions (1:49-52), a prize indicator which allows accumulation of prize values (2:33-44), a prize display and accumulated prize value (Fig. 1 ref. 7), a plurality of winning and non-winning stop positions associated with a countdown indicator (Fig. 1 ref. 4), a countdown indicator having an initial position that gets reset in a non-triggering game event of a predetermined number (1:110-116), the countdown indicator adjusts according to a triggering

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game event (1:116-124), countdown adjuster and prize indicator activated only at a game triggering event (1:125-2:25), indicating prize values at random events (2:17-25), a countdown adjuster to adjust countdown indicator (Fig. 1, ref. 6), the primary game is adjusted through the adjustment of the counter (1:125-2:11), and the countdown adjustments are made through a random event (1:125-2:11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 15, 28, 32, 44, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melen as applied to claims 1-9, 11-14, 16-17, 21-27, 29-32, 33-34, 38-43, 45-47, and 52-65 above, and further in view of Schneier et al. '398 (Hereafter, Schneier). Melen teaches the claimed limitations as discussed above, but does not teach providing a predetermined result from a finite pool of outcomes. Schneier teaches providing a predetermined result from a finite pool of outcomes so that game device management knows exactly what outcomes were provided (9:35-42). One would be motivated to modify the gaming machine taught by Melen to include the predetermined results taught by Schneier so that gaming management would know exactly what outcomes were provided to increase security and prevent fraud. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Melen to include the predetermined results taught by Schneier to increase management awareness and game security.

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Claims 18-20, 35-37, 49-51, and 66-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melen as applied to claims 1-9, 11-14, 16-17, 21-27, 29-32, 33-34, 38-43, 45-47, and 52-65 above, and further in view of Takemoto et al. '034 (Hereafter, Tak). Melen teaches the claimed limitations as discussed above in addition to a countdown indicator adjuster comprising a wheel (Fig. 1, ref 6), but fails to disclose all of the indicators comprising wheels in a concentric format. Tak teaches all game elements indicators comprising concentric wheels (Figures 1-3). The inventions are related in that both are gambling related and both already encompass wheels or a wheel for an indicator where one would be motivated to modify Melen to use all indicators on concentric wheels taught by Tak to allow all figures to be clearly seen to give an game participant a reference for a better game understanding (3:003). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Melen to use the concentric wheels indicators taught by Tak to give a player increase enjoyment through a better understanding of the game being played.

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaku et al. '252, teaches concentric wheel indicators in a gaming machine.

Inoue '782, teaches an adjustment mechanism to adjust a primary game.

Claypole et al. '642, teaches a trail or progressive award gaming system.

Malavazos et al. '851, teaches a revolving rings gaming apparatus.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

AE
Aaron Enatsky

November 27, 2002



John M. Hotaling